

101533799

DOCKET NO. 32.US2.PCT

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Graeme Semple, Philip J. Skinner, Martin Cherrier, Peter Webb
and Susan Yoshiko Tamura

For: BENZOTRIAZOLES AND METHODS OF PROPHYLAXIS OR
TREATMENT OF METABOLIC-RELATED DISORDERS THEREOF

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

TYPE OF DECLARATION

This declaration is for the following type of application:

(check one applicable item below)

- | | |
|---|--|
| <input type="checkbox"/> Original | <input type="checkbox"/> Divisional |
| <input type="checkbox"/> Continuation | <input checked="" type="checkbox"/> U.S. National Stage of PCT |
| <input type="checkbox"/> Continuation-in-Part | |

My residence, post office address and citizenship are as stated below next to my name; and I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a

- Utility Patent Design Patent

is sought on the invention, whose title appears above, the specification of which:

- is attached hereto
- was filed on _____, as U.S. Serial Number _____
and was amended on _____ (*if applicable*)
- was described and claimed in PCT International Application Number
PCT/US2003/035427 filed on November 4, 2003.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to be material to the patentability of this application in accordance with 37 CFR § 1.56.

**DISCLOSURE AND/OR CLAIM FOR PRIORITY UNDER
35 U.S.C. §§ 119(a)-(d) OF FOREIGN APPLICATIONS
FILED WITHIN 12 MONTHS (6 MONTHS FOR DESIGN)
OF THIS APPLICATION**

I hereby claim foreign priority benefits under Title 35, United States Code §§ 119(a)-(d) of any foreign applications for patent, inventor's certificate or PCT international application designating at least one country other than the United States of America listed below and have also identified below any foreign application for patent, inventor's certificate or any PCT international application designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

| Country (or indicate if PCT) | Application Number | Date of Filing (day, month, year) | Priority Claimed Under 37 USC 119a-d |
|---------------------------------|-----------------------|--------------------------------------|---|
| | | | <u>Yes</u> <u>No</u> |

**DISCLOSURE OF FOREIGN APPLICATION(S) IF ANY,
FILED MORE THAN 12 MONTHS (6 MONTHS FOR DESIGN)
PRIOR TO THE FILING OF THIS APPLICATION**

| Country (or indicate if PCT) | Application Number | Date of Filing (day, month, year) |
|------------------------------|-----------------------|--------------------------------------|
| | | |
| | | |
| | | |
| | | |

**CLAIM FOR PRIORITY OF UNITED STATES APPLICATIONS
OR PCT APPLICATIONS FILED
IN THE UNITED STATES RECEIVING OFFICE
UNDER 35 U.S.C. §120**

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to be material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

| Application No. | Date Filed | Status Patented/Pending/Abandoned |
|------------------------|-------------------|--|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

**CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S)
UNDER 35 U.S.C. § 119(e)**

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

| Provisional Application Number | Filing Date |
|---------------------------------------|--------------------|
| 60/423,819 | November 5, 2002 |
| | |
| | |
| | |

POWER OF ATTORNEY

I hereby appoint all the practitioners associated with Customer Number 27737 (which is the Customer Number assigned to Arena Pharmaceuticals, Inc. to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected therewith. Each practitioner associated with Customer Number 27737 is an attorney registered before the United States Patent and Trademark Office.

Address all correspondence and maintenance fee correspondence to the address identified in Customer No. 27737 which is assigned to Arena Pharmaceuticals, Inc. 6166 Nancy Ridge Drive, San Diego, CA 92121.

Direct all telephone calls to: Lyle W. Spruce, Ph.D.

Arena Pharmaceuticals, Inc.
6166 Nancy Ridge Drive
San Diego, CA 92121
Telephone No.: (858) 453-7200
Facsimile No.: (858) 677-0065

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first joint inventor

1-00
Graeme Semple
(Given Name) (Middle Initial or Name) Family (or last name)

City/State of Actual Residence: San Diego, California CA

Mailing Address: 15020 Camino Codorniz, San Diego, California 92127

Country of Citizenship: United Kingdom

Inventor's signature: Graeme Semple

Date: 5-4-05

- 5 -

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of second joint inventor

Philip J. Skinner
 (Given Name) (Middle Initial or Name) Family (or last name)

City/State of Actual Residence: San Diego, California CA

Mailing Address: 4588 West Point Loma Blvd., #C, San Diego, California 92107

Country of Citizenship: United Kingdom

Inventor's signature: Philip Hins

Date: 5/4/05

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of third joint inventor

Martin C Cherrier
 (Given Name) (Middle Initial or Name) Family (or last name)

City/State of Actual Residence: San Diego, California CA

Mailing Address: 4179 3rd Avenue, Apt. 316, San Diego, California 92103

Country of Citizenship: USA

Inventor's signature: Mark C C

Date: 5/4/05

- 6 -

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of fourth joint inventor

4-00
Peter _____ (Given Name) Webb _____ (Middle Initial or Name) Family _____ (or last name)

City/State of Actual Residence: San Diego, California CA _____

Mailing Address: 10972 West Ocean Air Dr., No. 291, San Diego, California 92130

Country of Citizenship: USA _____

Inventor's signature: Peter Webb _____

Date: 05/04/05 _____

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of fifth joint inventor

5-00
Susan _____ (Given Name) Yoshiko _____ (Middle Initial or Name) Tamura _____ (Family or last name)

City/State of Actual Residence: San Diego, California CA _____

Mailing Address: 8745 Wescott Court, San Diego, California 92129

Country of Citizenship: USA _____

Inventor's signature: Susan Yoshiko Tamura _____

Date: May 4, 2005 _____